

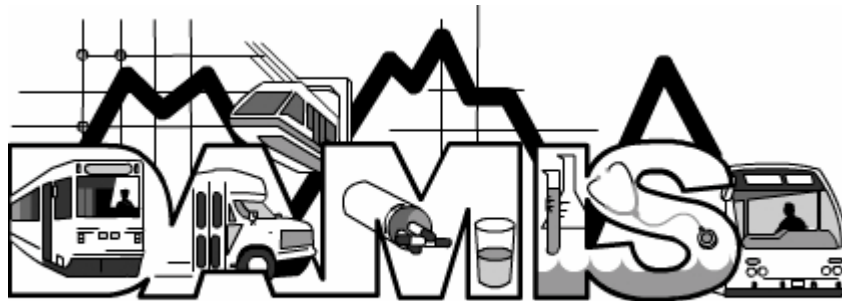


U.S. Department
of Transportation

**Federal Transit
Administration**

**The Federal Transit Administration's
Drug and Alcohol MIS Project Office**

GUIDANCE LETTER FOR THE 2002 REPORTING YEAR



The FTA Drug and Alcohol Management Information System

SECTION 1: BACKGROUND INFORMATION

Background

FTA's Drug and Alcohol Management Information System (MIS) Program

The Omnibus Transportation Employee Testing Act of 1991 mandated that the Federal Transit Administration (FTA) publish regulations, issued in February 1994, which require transit systems and their contractors to establish prohibited drug use and alcohol misuse prevention programs. The rules require that the test results of these programs be reported to the FTA annually on March 15. These results must be submitted on FTA Drug and Alcohol Testing MIS Data Collection Forms, per 49 CFR Part 655, Appendix A, B, C, and D (attached at the end of the guidance attached) **or** via Internet reporting (Note: Internet reporting is only available if you are required to report to FTA this year). Data provided for the 2002 reporting year must cover the entire calendar year (i.e., January 1, 2002 through December 31, 2002).

Who Needs to Submit Reports to FTA

The FTA now employs a stratified random sample of reporters (49 CFR 655.72); each recipient is required to prepare and maintain a summary of the results of their anti-drug and alcohol misuse testing programs performed in 2002, however only when requested by the FTA must a recipient submit those results to the FTA Drug and Alcohol MIS Project Office by March 15th, 2003. **The enclosed letter indicates whether you have been selected to submit your testing results to the FTA.**

If you are not required to submit your testing results, you must still complete and retain your reports on site.

Grantees' offices are ultimately responsible for collecting and submitting the MIS forms and/or accepting the online Internet reports for their respective contractors and subrecipients to the FTA Drug and Alcohol MIS Project Office.

Where To Report

- Grantees (direct recipients of funds from the FTA), who have been selected to submit their testing results to the FTA and have decided not to submit their data via the Internet, should submit their FTA Drug and Alcohol MIS Data Collection Forms directly to:

For more information visit our website at <http://transit-safety.volpe.dot.gov/damis>

**FTA Drug and Alcohol MIS Project Office, DTS-781
U.S. Department of Transportation/Volpe Center
55 Broadway, Kendall Square
Cambridge, MA 02142-1093**

Please use the mailing label provided in this guidance package.

- Subrecipients, subgrantees and contractors should submit their forms to their state DOTs or grantees, who will then forward them to the FTA Drug and Alcohol MIS Project Office. If an entity is reporting via the Internet, either the grantee or state DOT will review it and ensure it is correct prior to its submission.

Note: Forms **should not** be sent to FTA Headquarters in Washington D.C.

Where to Obtain Reporting Materials

In addition to the forms attached at the back of this guidance package, 2002 Drug and Alcohol MIS forms can be downloaded from the following Web Site <http://transit-safety.volpe.dot.gov/damis>. The forms can also be obtained by calling the FTA Drug and Alcohol MIS Project Office at (617) 494-6336.

What to Submit with Testing Results

- **Internet Reporting** – no additional items required.
- **Paper MIS Data Collection Forms**
 - A **cover letter** that includes a contact person and any relevant information. Such information includes:
 - list of employers {grantee, subrecipient(s), contractor(s)} whose forms are included in the packet
 - relationships among transit agency, contractors, subrecipients, state, etc.
 - any other supplemental information, i.e., contractor changes, partial year data, cancelled tests or fatal flaws.

If you have questions, call the FTA Drug and Alcohol MIS Project Office at (617) 494-6336

SECTION 2: COMPLETING THE FORMS

1. COMPLETING THE DRUG AND ALCOHOL MIS DATA COLLECTION FORMS/INTERNET REPORTING

Employer Information

Identification information for the transit system, subrecipient, or contractor whose testing information is being reported must be entered.

Include information on the consortium, if one is used. A consortium used by transit agencies is an entity, including a group or association of employers, that provides testing services required by the regulations and that acts on behalf of the employers. If a consortium is not used, mark this section "N/A."

Please note that a consortium may include employees and employers covered under more than one DOT rule, but the consortium must be sure that each employee is selected and tested according to the appropriate agency's rule. The FTA MIS forms must include only those employees covered by FTA regulations.

FTA-covered employees are those in ***safety-sensitive positions***. These are employees (including supervisors) who perform any of the following functions:

1. Operate a revenue service vehicle, including when not in service (includes employees who operate a passenger vehicle, **whether or not a fare is collected**);
2. Maintain a revenue service vehicle or equipment used in revenue service (except for 5311 recipients' contractors);
3. Dispatch or control revenue service vehicles (if the transit agency deems them to be safety-sensitive per 49 CFR Part 655.4);
4. Operate a non-revenue service vehicle (e.g., snowplow or wrecker), perform a function requiring a Commercial Drivers License (CDL), and is not already covered by another employee category; and/or
5. Provide security and carry a firearm (e.g., transit police).

Note: Public works personnel who are not specifically involved in transit operations do not fall under FTA's regulations and, therefore, are not to be reported on the FTA forms.

Determining the Number of Covered Employees

The number of covered employees reported should be a cumulative total of all employees performing safety-sensitive functions over the course of the reporting

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year. Given employee turnover, cumulative totals usually exceed the number of safety-sensitive positions as they include a counting of all individuals that sometime during the year fell under the FTA regulatory authority. Many people have assumed that the random test rate should be based on this cumulative total. This is not the case, and would result in over testing for systems with larger staff turnover. Rather the method described above should be used, reflecting the fluctuation in staffing levels.

Number of Employees Covered by the USCG

As of April 22, 2002, the FTA eliminated duplicative controlled substance and alcohol misuse testing requirements for ferry operations that receive Federal transit funding under 49 U.S.C. 5307, 5309, or 5311. Ferry operations that are simultaneously subject to FTA drug and alcohol regulations at 49 CFR part 655 and U.S. Coast Guard chemical testing regulations at 46 CFR parts 4 and 16 and alcohol testing requirements at 46 CFR subpart 4.06 and 33 CFR part 95 will be deemed in concurrent compliance with the testing requirements of 49 CFR part 655 when they comply with the USCG's chemical and alcohol testing requirements. **However, those ferry operations will remain subject to FTA's random alcohol testing requirement because the USCG does not have a similar requirement.** (49 CFR 655.45)

List employees covered under U.S. Coast Guard (USCG) regulations separately and as a subset of the FTA-covered employees (this is only on the drug reporting forms). And if the above rule applies to your transit agency, report USCG testing for both drug and alcohol from January 1, 2002 through April 21, 2002. For the remainder of the year, the testing information that needs to be reported would be the number of screening tests (and confirmation tests if applicable) that USCG employees were given for random alcohol testing.

Drug and Alcohol Testing Information

Six types of **drug tests** are required by the FTA regulations:

- pre-employment;
- random;
- post-accident;
- reasonable suspicion;
- return-to-duty; and
- follow-up.

The number of specimens verified positive for one or more of the five prohibited drugs plus the number of specimens verified negative should equal the number of specimens collected, except if there are adulterated samples, substitutions, or tests in which there was a fatal flaw.

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If verified positive drug test results are reported, the number and types of drugs must be reported. If a specimen tests positive for more than one drug, *also* enter this information in the section of the form that inquires about specimens verified positive for more than one drug.

If there were no verified positive drug results, then it is required that the employer complete a **Drug 'EZ' Data Collection Form**. Enter the number of specimens collected under the column with the heading 'COL.' Enter the number of confirmed negative results under the heading 'NEG.' (Note: If using the Internet, it will ask you for the number of "Specimens Collected" and number of "Specimens Negative." Generally, these two numbers will be identical. **Only** in cases where there are cancelled tests or fatal flaws should there be a difference.

Employee Category	PRE-EMPLOYMENT	
	COL	NEG
	3	3
Revenue Vehicle Operation		
Revenue Vehicle and Equipment Maintenance	2	2
Revenue Vehicle Control/Dispatch	0	0
CDL/Non-Revenue Vehicle	0	0
Armed Security Personnel	1	1
TOTAL	6	6

Number of Specimens Collected

Number of Specimens Verified Negative

Five types of **alcohol tests** are required by the FTA regulations (six are allowed; see below):

- pre-employment (optional; if conducted must follow DOT Part 40 procedures);
- random;
- post-accident;
- reasonable suspicion;
- return-to-duty; and
- follow-up.

The results of these tests should be reported in the appropriate sections. Screening tests determine whether a covered employee has a prohibited concentration of alcohol of 0.02 or greater. If a screening test results in an alcohol concentration ≥ 0.02 , then a confirmation test must be performed.

If there are no positive alcohol results reported, then the **Alcohol 'EZ' Data Collection Form** must be used.

Pre-Employment Testing

FTA regulations require that all applicants for employment in covered positions, employees returning to a covered position, who had been removed from the random testing pool for a minimum of 90 days, or individuals being transferred into covered positions receive a verified negative pre-employment drug test prior to performing safety-sensitive duties. Enter the information for FTA-covered employees in each of the FTA-covered categories who underwent pre-employment drug testing during calendar year 2002. Enter the number of employment denials in Section C of the paper forms or in the tab titled "Drug Test Information" on the Internet).

Note: The FTA requirement for pre-employment alcohol testing was suspended on May 10, 1995. Pre-employment testing is thus optional. If it is conducted, the employer must follow DOT Part 40 Procedures.

Random Testing

For 2002, the FTA required a minimum annual random drug-testing rate of 50 percent. For prohibited alcohol use, the minimum annual 2002 testing rate was ten percent.

Note: If a consortium is used, individual employers may not reach the 50 or 10 percent random testing rates for drug and alcohol, respectively, since their employees are chosen from the consortium's larger employee pool. The larger pools, however, must meet the minimum FTA rates.

Enter the number of random tests conducted in Section C of the paper forms or in the tab titled "Drug Test Information" on the Internet.

Post-Accident Testing

FTA regulations require testing for drugs and alcohol following an accident in which there is a loss of human life. Testing is also required for non-fatal accidents meeting FTA-defined conditions unless the covered employee's performance can be discounted completely as a causative or contributing factor. If positive post-accident drug or alcohol tests are reported in this section, then the pertinent questions asking the number of fatal and/or non-fatal accidents resulting in a positive post-accident drug/alcohol test, must be answered accordingly (in Section C of the paper forms and in the "Drug Test Information" Section if Internet reporting).

Reasonable Suspicion Testing

The FTA's regulations require covered employees to submit to a drug or alcohol test when a company official has reasonable suspicion that the employee has used a prohibited drug or misused alcohol. Enter the number of tests conducted of FTA-covered employees and the results, in each of the safety-sensitive categories that underwent drug and/or alcohol testing based on reasonable suspicion. (Section C of the paper forms or in the tab titled "Drug Test Information" if Internet reporting.)

Return-to-Duty Testing

Covered employees who tested positive for any drugs, had a confirmed alcohol test of 0.04 or greater, or who refused to submit to testing cannot resume FTA-covered functions until they pass a return-to-duty test.

Return-to-duty tests should be reported only for those covered individuals returning to work after the above-cited conditions. (Section C of the paper forms or in the tab titled "Drug Test Information" of Internet reporting.) Note: If a covered employee is returning to a safety-sensitive position after being out of the random pool for a minimum of 90 days, then a pre-employment test is conducted, not a return-to-duty test.

Follow-up Testing

In addition to the return-to-duty test, there must be at least 6 unannounced follow-up tests during the first 12 months following the return of an employee who has returned to duty after a positive drug or alcohol test or a test refusal. Enter the number of tests conducted and the results, of FTA-covered employees who underwent such follow-up testing during 2002. (Section C of the paper forms or in the tab titled "Drug Test Information" if Internet reporting.)

Drug Training/Education

On the drug form, enter the number of FTA-covered employees who received at least of 60 minutes of **initial** training on the consequences, manifestations, and physical and behavioral cues of drug use during 2002. Do **not** include annual or refresher training. This information is to be submitted in Section E on the paper forms or in the tab titled "Drug Test Questions" on the Internet.

Additional, specific 60 minutes of **initial** training must be provided to supervisors who determine when it is appropriate to administer reasonable suspicion testing.

For more information visit our website at <http://transit-safety.volpe.dot.gov/damis>

Again, figures should include only first-time training received during the 2002 reporting period.

On the alcohol form enter the number of supervisory personnel who received a minimum of 60 minutes of **initial** training on the specific contemporaneous physical, behavioral, and performance indicators of prohibited alcohol use during 2002. (Section E on the MIS forms or in the tab titled “Alcohol Test Questions” if Internet reporting.) Refresher and annual training are not included and should not be noted in the reporting.

FTA Funding Sources

Agencies must enter the appropriate FTA funding source(s) from which they received funds during 2002. (Section F on the MIS forms or the tab titled “Fund Sources” if Internet reporting.) Contractors should not enter a funding source.

2. INFORMATION SPECIFIC TO DRUG TESTING REQUIRED ON THE FORMS/INTERNET

In addition to the common reporting requirements for both the drug and alcohol forms, there are questions that pertain specifically to the drug or alcohol forms. Read below for a brief explanation of the drug-specific questions.

Drug Test Questions

- ***“Number of persons denied a position as a covered employee following a verified positive drug test.”*** This question refers to pre-employment drug testing only. Enter the number of individuals denied a covered position following a positive **pre-employment** drug test. Note: Unless there is a special situation, the number of pre-employment positives should equal the number of positions denied. Any special situations should be noted either on the form or in the cover letter accompanying the forms or in the “Comments” section if reporting via the Internet.
- ***“Number of accidents, as defined by the FTA drug testing regulation, which resulted in a positive post-accident drug test.”*** Enter the number of fatal and/or non-fatal accidents that resulted in a verified positive post-accident drug test.
- ***“Number of fatalities resulting from accidents which resulted in a positive post-accident drug test.”*** If there was a fatal accident that resulted in a positive post-accident drug test, then the number of fatalities should be entered here. The number of fatalities entered should be *only those from*

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accidents where a covered employee subsequently tested positive for drugs or refused a post-accident drug test.

- ***“Number of employees returned to duty during this reporting period who had a verified positive drug test or refused a drug test required under the FTA rule.”*** Enter the number of employees who returned to duty in a covered position following a verified positive drug test or a refusal to submit to a drug test. These are employees who have completed a Substance Abuse Professional (SAP) recommended treatment program and completed a return-to-duty test with a verified negative test result. Do not include employees who returned to duty after extended absences that were not related to a positive drug test or a refusal to take a test (e.g., maternity leave, worker’s compensation, etc.).
- ***“Specimens verified positive for more than one drug.”***

To fill out this section on the hard copy forms or Internet, follow the example below:

Example: Two specimens for revenue vehicle operators tested positive for marijuana and cocaine. One specimen for a revenue vehicle operator tested positive for both marijuana and PCP. One specimen for a revenue vehicle control/dispatch employee tested positive for a combination of marijuana, cocaine, and amphetamines. See the following chart.

Specimens Verified Positive for More than One Drug						
Employee Category	Verified Positives	Marijuana (THC)	Cocaine	Phencyclidine	Opiates	Amphetamines
Revenue Vehicle Operations	2	2	2	0	0	0
Revenue Vehicle Operations	1	1	0	1	0	0
Revenue Vehicle Control/Dispatch	1	1	1	0	0	1

- ***“Number of employees administered drug and alcohol tests at the same time resulting in a verified positive drug test and an alcohol test indicating an alcohol concentration of 0.04 or greater.”*** Enter the number of covered employees who tested positive for both drugs and alcohol at the same time. *This information should be consistent on both the drug and alcohol forms.*

- ***“Covered employees who refused to submit to a random drug test required under FTA regulation.”*** Enter the number of employees who refused a random drug test as cited in 49 CFR 40.191.
- ***“Covered employees who refused to submit to a non-random drug test required under FTA regulation.”*** Enter the number of employees who refused to submit to a non-random drug test as cited in 49 CFR 40.191.

3. INFORMATION SPECIFIC TO ALCOHOL TESTING REQUIRED ON THE FORMS/INTERNET

In addition to the reporting requirements general to both the drug and alcohol forms, there are questions that pertain specifically to the drug or alcohol forms. Read below for a brief explanation of the alcohol-specific questions.

Alcohol Test Questions

- ***“Number of persons denied a position as a covered employee following a pre-employment alcohol test indicating an alcohol concentration of 0.04 or greater.”*** As the FTA requirement for pre-employment alcohol testing was suspended on May 10, 1995, if an employer chooses to conduct such testing, it must follow Part 40 procedures.
- ***“Number of accidents, as defined by the FTA drug testing regulation, which resulted in a post-accident alcohol test indicating an alcohol concentration of 0.04 or greater.”*** Enter the number of fatal or non-fatal accidents that resulted in a confirmed post-accident alcohol test result of 0.04 or greater.
- ***“Number of fatalities resulting from accidents which resulted in a positive post-accident alcohol test indicating an alcohol concentration of 0.04 or greater.”*** The number of fatalities listed should be *only* those from accidents where a FTA-covered employee subsequently tested positive (0.04 or greater) for alcohol.
- ***“Number of employees who engaged in alcohol misuse who were returned to duty in a covered position during this reporting period (having complied with the recommendations of a substance abuse professional as described in FTA regulations).”*** Enter the number of employees who were returned to duty during 2002 in a FTA-covered position following a confirmed positive alcohol test result of 0.04 or greater or a refusal to submit to an alcohol test. Do not include employees who returned to duty

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merely after extended absences that were not related to a positive alcohol test or a refusal to take a test (e.g., maternity leave, worker's compensation, etc.).

- ***“Number of employees administered drug and alcohol tests at the same time resulting in a verified positive drug test and an alcohol test indicating an alcohol concentration of 0.04 or greater.”*** Enter the number of employees who tested positive for both drugs and alcohol (concentration of 0.04 or greater) at the same time. The answer to this question should be consistent for both the drug and alcohol forms.
- ***“Violations of other alcohol provisions/prohibitions of this regulation.”*** This section should be completed only for violations other than those identified by testing (e.g., an employee using alcohol while performing a FTA-covered function, etc.).
- ***“Covered employees who refused to submit to a random alcohol test required under FTA regulation.”*** Enter the number of FTA-covered employees who refused to take a random alcohol test as cited in 49 CFR 40.261.
- ***“Covered employees who refused to submit to a non-random alcohol test required under the FTA regulation.”*** Enter the number of FTA-covered employees who refused to take a non-random alcohol test as cited in 49 CFR 40.261.

SECTION 3: INTERNET METHOD OF REPORTING

Submitting 2002 testing results via the Internet is an option only for those employers who have been selected to report their results to the FTA. **The cover letter included in this package informs you whether you have been selected.**

You are required to contact the FTA Drug and Alcohol MIS Project Office to receive your ID and Password codes.

Upon obtaining ID and Password codes, proceed to <http://transit-safety.volpe.dot.gov/damis> to Login. Proceed through all of the tabs that correlate to the drug and alcohol sections previously discussed. A checkmark will appear on the side bar as each section is completed. Upon finishing all sections, click "Wrap Up." This will tell the reporter if they have missed completing any sections. When that is complete, press "Close." Please note, there is a section "Comments" to report any unusual circumstances (i.e., cancelled tests, fatal flaws, etc.).

Grantees are responsible for their contractors, subgrantees, and subrecipients. They must distribute the ID and Password codes to their contractors, subrecipients and subgrantees. Grantees' Password codes allow them to review the data submitted by their contractors, subrecipients and subgrantees and either reject or accept it. The data will not be submitted to the FTA until the Grantee accepts it.

Each Grantee that submits data via the Internet may check its status. Contractors, subrecipients and subgrantees may only check the status and review the data of its individual submittal.

When a Grantee submits data via the Internet it goes directly to the FTA database server. When a Contractor, subrecipient or subgrantee submits data via the Internet, the data needs to be reviewed and accepted by the Grantee before the data goes to the FTA database server. Grantees can quickly review and accept or reject their contractors, subrecipients and/or subgrantees' data. This is explained in more detail in the next section.

REVIEWING CONTRACTOR/SUBRECIPIENT AND SUBGRANTEE DATA:

Grantees are ultimately responsible for collecting and submitting the MIS forms/Internet reports for their respective contractors/subrecipients and subgrantees. Therefore the Grantee must review and either 'Accept' or 'Reject' the 2002 data submitted by all its contractors/subrecipients.

If you have questions, call the FTA Drug and Alcohol MIS Project Office at (617) 494-6336

1. After logging in your ID and Password you can review your contractor, subrecipient or subgrantees' data, by pressing the "View" button.
2. After reviewing data, press "Accepted" or "Rejected." This will change the "Status" as well as provide a date that the data was reviewed, thereby letting the FTA know that the data is now accepted and can be processed, or whether the contractor, subrecipient is expected to make changes. The Grantee is responsible for contacting their contractor, subrecipient if data has been rejected (you will then have to repeat the process listed in order to eventually "Accept" data). If the Grantee does not review the data, the status will remain "Not Reviewed" and FTA will not be able to process the data.

IMPORTANT: If a Grantee uploads its own data, the grantee will need to "Accept" its own data, see steps above.

SECTION 4: FREQUENTLY ASKED QUESTIONS

- **Where do I send completed forms?**

FTA Drug and Alcohol MIS Project Office, DTS-781
U.S. DOT/Volpe Center
55 Broadway, Kendall Square
Cambridge, MA 02142-1093

Do not send the completed forms to FTA Headquarters in Washington.

- **Must I send in an original form or is a copy acceptable?**

An original signature is required on the front page of the forms; therefore copies of the form are not acceptable. If you are a grantee (transit agency or State DOT) collecting and forwarding your subrecipients and contractors forms to the Drug and Alcohol MIS Project Office, please make a copy for your files and forward the original.

- **If Internet reporting, what is the Internet site?**

<http://transit-safety.volpe.dot.gov/damis>

- **How do I obtain my ID and password for Internet reporting?**

Grantees/subrecipients who are required to report to FTA this year can obtain IDs and passwords for themselves and their contractors/subrecipients by calling the FTA Drug and Alcohol MIS Project Office at (617) 494-6336 or emailing RutynaE@Volpe.Dot.Gov or ClarkeR@Volpe.Dot.Gov.

- **Which employees should receive return-to-duty tests?**

Return-to-duty tests should be conducted only for those FTA-covered individuals returning to work after having previously tested positive for drug use and/or alcohol misuse and gone through a SAP recommended program.

- **Should all boxes on the forms have an entry even if a test was not performed or the answer is zero?**

Yes. All boxes on the form must be completed.

If you have questions, call the FTA Drug and Alcohol MIS Project Office at (617) 494-6336

- **On the questions regarding training, should our agency's annual training number be entered or only those employees who received first time training?**

Only those safety-sensitive employees or supervisors who received initial, that is *first time*, training during 2002 should be entered. Do not include the number of employees who received refresher training.

- **On the alcohol form, when should the confirmation test column be filled in?**

An alcohol confirmation test is only performed if the screening test is greater than or equal to 0.02. If the confirmation test has a result ≥ 0.04 , the confirmation test column should be filled in as well as one of the columns to the right indicating the results of the test (i.e., if results are "equal to or greater than 0.02, but less than 0.04" or "equal to or greater than 0.04").

- **On the drug 'EZ' form, what do the column headings 'COL' and 'NEG' mean?**

'COL' refers to 'Number of Specimens Collected' and 'NEG' refers to 'Number of Specimens Verified Negative.' Generally, the numbers entered in these columns will be equal since an 'EZ' form can be submitted only if there are no positive drug test results. Unusable and adulterated specimens could account for a difference in the two figures and should be noted in the cover letter or in the comments section if Internet reporting.

- **What if we performed a different number of post-accident drug tests versus post-accident alcohol tests?**

If there is a difference in the number of post-accident drug test versus post-accident alcohol tests, there should be an accompanying explanation (e.g., if an employee to be tested received medical attention and didn't receive an alcohol test within the required eight hours). The explanation for the differing test numbers can be included in a cover letter or typed directly on the form if paper copies are being submitted.

- **What is a consortium?**

A consortium is an alliance of organizations which work together to address common needs in a more cost-effective or efficient way than could be done independently. A consortium used by transit agencies is an entity, including a group or association of employers, that provides testing services required by the regulations and that acts on behalf of the employers. Note: For additional information on this topic, refer to the Drug and Alcohol Consortia Manual (December 1996).

Note: A consortium is not merely the collection site or facility where employees are sent for drug/alcohol testing.

- **Where can I obtain passwords for Internet reporting or for additional forms?**

Passwords for Internet reporting may be received by calling the FTA Drug and Alcohol MIS Project Office at (617) 494-6336. Drug and Alcohol MIS Data Collection Forms for 2002 can be downloaded from our web site ([http:// transit-safety.volpe.dot.gov/damis](http://transit-safety.volpe.dot.gov/damis)) or by calling the number listed above.